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# ASBCE NEWSLETTER



AR STATE BOARD OF CHIROPRACTIC EXAMINERS

<http://www.state.ar.us/asbce>  
March 2001

Watts 1-866-257-8227

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## **BOARD MEMBERS**

Beverly J. Foster, D.C., President

Michael D. Courtney, D.C., Secretary - Examination Officer

Harold Gunter, Jr., Treasurer

Larry L. Grinder, D.C., Investigation Officer

Margaret Thompson, Public Member

Robert L. Shackelford, D.C., Member

Mark S. Bradley, D.C., Member

## **PROFESSIONAL STAFF**

Carol Ann Gates, Executive Director

Sandy Kita, Administrative Assistant

## **PRESIDENT'S LETTER**

**Dr. Beverly J. Foster, President, ASBCE**

Dear Doctors,

I hope you are enjoying our quarterly newsletters. Our Executive Director, Ann Gates, does a wonderful job collecting timely topics to help you practice within our rules and regulations.

Having a chiropractic license is a bit like having a driver's license. It is the responsibility of the license holder to know and obey the laws of his state. We are so fortunate to have Ms. Ann Gates help us meet our responsibilities. She directs our Chiropractic Board with efficiency and enthusiasm. She is always looking for new ways to help our doctors maintain the high standards set forth by our rules and regulations.

In addition to publishing our quarterly newsletter, Ms. Gates maintains our WebPages on the Arkansas State website. These pages are open to the public and are a good opportunity to communicate how safe and well regulated our chiropractic profession is in Arkansas.

Ann Gates is a treasure, and I am very grateful to her for the contributions she makes to the chiropractic profession.

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The Board of Examiners would like to dedicate this newsletter in the memory of, Dr. Ralph Ungerank. Dr. Ungerank was appointed to this Board by Governor Mike Huckabee on June 10, 1997 and served until his death on November 4, 2000. Dr. Ungerank brought to this Board his maturity and dedicated experience in the field of chiropractic for many years, which proved to be a great asset for the Board, Arkansas licensees and the public.

### **NEW BOARD MEMBER**

Governor Huckabee has recently appointed Mark S. Bradley, D.C. to the Board. Dr. Bradley will complete Dr. Ralph Ungerank's term, which will expire on June 9, 2002. Congratulations, Dr. Bradley.

### **ACUPUNCTURE/MERIDIAN THERAPY**

#### **IMPORTANT INFORMATION**

Please be aware that a seminar may be approved for acupuncture relicensure credit hours **that is not** a seminar sponsored by a CCE accredited college. But in order to be certified to practice acupuncture you must complete one hundred (100) hours training in acupuncture/meridian therapy from a college **accredited by the Council on Chiropractic Education**. If you need to obtain your 100 hours of certification make sure the course is from a CCE accredited college or co-sponsored by a CCE accredited college because if it isn't your hours could not be certified.

If you have any questions regarding a particular seminar, please contact the board office and we will verify whether a seminar is co-sponsored by a CCE accredited college.

The "Health Professions Licensing Survey 1999" published by the Arkansas Department of Health is now in printed copy. To view the demographics and tables on the Web, open { **HYPERLINK** <http://www.healthysarkansas.com> } and go to Data and Research.

## **NEW LEGISLATION**

### **Dr. Michael D. Courtney, Secretary**

Dear Fellow Chiropractic Physicians:

Act 197 is finally realized. A copy of the Act is in this newsletter for your reference. You can also view the Act on the Internet at { **HYPERLINK** <http://www.arkleg.state.ar.us/> }

This Act now gives authority to the Board to prosecute effectively those who are practicing or attempting to practice without a license and to impose stiff civil penalties. This piece of legislation, which began as SB229, was the culmination of successful efforts of all groups involved the Arkansas Chiropractic Society, the Arkansas Chiropractic Association and the Board of Examiners.

I had the privilege of researching what other jurisdictions had done and to create the initial draft and final draft, which was approved by this Board on September 19, 2000. I would also like to thank our attorney-general rep, Ms. Ainsley Lang, for her legal expertise and wisdom in working on what became known as Act 197. This Act will help the Board of Examiners in protecting chiropractic and the citizens of this fine state.

#### **PLEASE NOTE:**

The ASBCE now has a new voice message when you call our 501-682-9015 number. The message you will hear is as follows: "your call may be monitored or recorded for quality assurance." At the end of the message you will be connected to our office.

### ***SUGGESTION FROM THE BOARD***

The Board would like to encourage doctors in the field to make it a routine procedure to make copies of patient's photo ID. This will protect you when submitting insurance claims if the identify of the person is ever in question of the person you treat. We have recently received a complaint dealing with this issue.

## CALENDAR OF EVENTS

### SPECIAL EVENT

STATE LICENSURE EXAMINATION, BUSINESS MEETING & ORIENTATION:

TIME IS APPROXIMATE FOR EACH OF THESE MEETINGS.

PLACE: MAIN STREET MALL

DATE: JANUARY 25, 2001

TIME: 8:00 A.M.

### EVENT

#### ADJUDICATORY HEARING

PLACE: Catlett--Prien Tower

DATE: FEBRUARY 15, 2001

TIME: 10:00 A.M.

### SPECIAL EVENT

FEDERATION OF CHIROPRACTIC LICENSING BOARDS

75<sup>TH</sup> ANNUAL CONGRESS

PLACE: LA MANSION DEL RIO HOTEL, SAN ANTONIO, TEXAS

DATE: APRIL 4-8, 2001

### EVENT

#### ADJUDICATORY HEARING

PLACE: MAIN STREET MALL - CONFERENCE ROOM C

DATE: APRIL 26, 2001

TIME: 9:00 A.M.

### EVENT

#### BUSINESS MEETING

PLACE: MAIN STREET MALL - CONFERENCE ROOM C

DATE: APRIL 26, 2001

TIME: FOLLOWING THE HEARING SCHEDULED AT 9:00 A.M.

### EVENT

#### CREDENTIALS MEETING.

DATE: JUNE 19, 2001

PLACE: MAIN STREET MALL

TIME: 10:00 A.M.

### SPECIAL EVENT

LICENSURE EXAMINATION, BUSINESS MEETING & ORIENTATION.

TIME IS APPROXIMATE FOR EACH OF THESE MEETINGS.

DATE: JULY 26, 2001

TIME: 8:00 A.M.

### THE FOLLOWING CANDIDATES PASSED THE JANUARY 25, 2001 EXAMINATION.

DR. DONALD W. EASTMAN

DR. RODNEY WILLIAMS

DR. MICHAEL V. MARVEL

DR. MATTHEW W. FORD

DR. JEREMY MCKELROY

DR. ALLEN M. DABBS

DR. KRISTIN R. GUESS

DR. MOHAMED HASSAN

### IN LIEU OF THE PRACTICAL EXAMINATION THE FOLLOWING PRESENTED A NATIONAL BOARD TRANSCRIPT PART IV.

THOMAS E. CARLYLE, DC

DANA M HAUDRICH, DC

ROBERT T. KERBS, DC

KERVIN T. PUTMAN, DC

J. THOMAS SULLIVAN, DC

DELILAH WILLIAMS, DC

JIMMY D. YOUNG, DC

CONGRATULATIONS TO ALL THE NEW LICENSEES & WELCOME TO ARKANSAS.

### STATISTICS OF AR LICENSEES

LICENSEES:

419 Active

33 Inactive

106 Acupuncture

94 Out-State

### ANOTHER RENEWAL PROCESS COMPLETED:

I would like to express my thanks to all of you who complied with the Rules, Regulation and Statutes by submitting your renewal and continuing education certification on or before December 31.

We did have some doctors whom for whatever reason failed to get their renewal in by the cut off date. We also had doctors that failed to respond by submitting the late penalty, but continued to practice chiropractic. Please keep in mind that if you do not comply by submitting the proper fees your license has automatically expired and is forfeited. If only one day late renewing your license, you are practicing without a license. Under those circumstance any insurance claims filed would probably be invalid and your malpractice insurance may not be in force. If you file insurance claims with an insurance company while your license is lapsed, you also risk insurance and mail fraud - felonies. Insurance companies contact the board office after December 31 to certify whether doctors have renewed their license.

Remember that you are responsible for making sure everything is properly submitted in a timely manner.

## DISCIPLINARY UPDATES

### ADJUDICATORY HEARING

Case #137-7-12-99: Dr. Travis Wyly:

On December 19, 2000 the Board of Examiners convened in a hearing for the purpose of conducting an administrative hearing in the matter of, Dr. Travis Wyly.

#### ORDER:

Dr. Wyly's license was suspended to practice chiropractic in the State of Arkansas for five years beginning 12/19/00. Upon the conclusion of the five-year suspension, Dr. Wyly shall appear before the Board, in order for the Board to determine whether his license would be placed on probation for a period of time. The following conditions shall apply whether the license is reinstated with or without probation:

1. *Respondent shall treat only adults in his practice.*
2. *There shall be a second individual in the examining room with Respondent and his patients at all times.*

### ADJUDICATORY HEARING

Case #147-04-11-00-157-01-10-00:

Dr. Kevin Harrah

The Board held a hearing on February 15, 2001 in response to unprofessional conduct regarding, Dr. Kevin Harrah. On February 9<sup>th</sup> the Board was notified that the three complainant's had reached a settlement in their civil litigation and were withdrawing their complaints with the Board. The Board voted that the allegations against Dr. Harrah were not proven. Dr. Harrah was sent a letter requesting he take continuing education hours in (1) Boundary Training - 12 hrs. (2) Risk Management - 12 hrs.

#### BREAKDOWN OF

#### COMPLAINTS/INVESTIGATIONS

Case #146-04-11-00: No violation

Case #149-06-06-00: No violation

Case #150-06-22-00: No violation

Case #151-06-23-00: Case closed

Case #152-07-10-00: Pending

Case #153-07-11-00: Dismissed

Case #154-07-14-00: Pending

Case #155-09-05-00: Dismissed

Case #155-11-14-00: No action

Case #156-12-12-00: Under investigation

Case #158-01-24-01: Under investigation

Case #159-01-24-01: Under investigation

## Dr. Larry L. Grinder, Investigation Officer

As Investigation Officer for the ASBCE, I would like to inform doctors of areas of concern:

Sexual misconduct is a growing problem for doctors of chiropractic. I know we are a "hands on" profession and we need to sometimes have our hands on contact areas, which may make patients uncomfortable. It is my advice to do a good job of explaining to the patient what you need to do to correct their spinal condition.

If you ask a patient to put on a gown, explain why and what procedure you are going to do. If you do breast exam, vaginal exams or rectal exams, have the patient sign a consent form. When doing exams and therapeutics procedures it is always appropriate to have a C.A. present.

For the short time I have served on the board, two doctors have lost their license for sexual misconduct. We do not want you to be next. Please evaluate your office procedures and make the necessary changes.

#### DID YOU FORGET?

Statute §17-81-307 (4) now requires that you are to display your renewal certificate along with your license issued by this board?

*(4) "Each licensee shall display conspicuously in his or her principal place of business or place of employment the license issued by this board. The annual renewal certificate shall be displayed in connection with the original license."*

We still get calls from doctors that misplace their renewal certificate and call to request a duplicate. Please consider the renewal certificate an important document, which you may need to verify to insurance companies that you have renewed for the fiscal year. By displaying your renewal certificate you will also be in compliance with the Arkansas Chiropractic Practices Act.

## NEW LEGISLATION

83<sup>RD</sup> General Assembly  
Regular Session, 2001

Act 197

AN ACT TO PROTECT THE PUBLIC HEALTH AND SAFETY BY ALLOWING THE ARKANSAS STATE BOARD OF CHIROPRACTIC EXAMINERS TO IMPOSE CIVIL PENALTIES.

SECTION 1. Arkansas Code 17-81-301 is amended to read as follows:  
17-81-301. License required.

In order to safeguard life and health, any person practicing or offering to practice chiropractic in the state shall be required to submit evidence that he or she is qualified to practice and shall be licensed as provided in this chapter.

SECTION 2. Arkansas Code 17-81-303(d) is amended to read as follows:

(d)(1) It is unlawful for any person other than a physician licensed to practice chiropractic under the provisions of the Arkansas Chiropractic Practices Act, §17-81-101 et seq., or a physician licensed to practice medicine under the Arkansas Medical Practices Act., §17-93-201 et seq., to perform spinal mobilizations, spinal adjustments, or spinal manipulations as those terms are defined in §17-81-102(5).

(2) Nothing contained in this subsection shall be construed to limit or restrict the authority of a licensed physical therapist to practice physical therapy as defined in §17-93-102(1).

(3) Any person violating the provisions of this subsection shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five thousand dollars (\$5000), and each violation shall constitute a separate offense.

SECTION 3. Arkansas Code 17-81-303 is amended to add the following new subsection:

(e)(1) If the board determines, after due notice and a hearing, that any provision of this chapter or any regulation promulgated by the board pursuant to this chapter has been violated, the board may impose a civil penalty not to exceed five thousand dollars (\$5000) per violation.

(2)(A) The board may file an action in the Circuit Court of Pulaski County to collect any civil penalty not paid within thirty (30) days of service of the order assessing the penalty, unless the circuit court enters a stay of the board's order.

(B) If the board prevails in the action, the defendant shall be directed to pay reasonable attorney's fees and costs incurred by the board in prosecuting the action in addition to the civil penalty.

(3) Any person aggrieved by an action of the board imposing civil penalties may appeal the decision in the manner and under the procedure prescribed in the Arkansas Administrative Procedure Act, which begins at 25-15-201 for appeals from administrative decisions.

✓ CHECK OUT OUR WEB SITE AT {  
HYPERLINK  
[HTTP://WWW.STATE.AR.US/ASBCE](http://www.state.ar.us/asbce) }.

**PLEASE NOTE**

**ADDRESS CORRECTION**

ARKANSAS STATE BOARD { PAGE }

**REQUESTED!**

ARKANSAS STATE BOARD  
OF CHIROPARTIC EXAMINERS  
101 East Capitol, Suite 209  
Little Rock, AR 72201



ADDRESS CORRECTION REQUESTED

ARKANSAS STATE BOARD OF  
CHIROPRACTIC EXAMINERS  
101 East Capitol, Suite 209  
Little Rock, AR 72201